

BEFORE THE
SHORELINES HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
A SHORELINE VARIANCE PERMIT)
DENIED TO ROBERT F. CRANE,)

ROBERT F. CRANE,)

Appellant,)

v.)

KING COUNTY and)
State of Washington)
DEPARTMENT OF ECOLOGY,)

Respondents.)

SHB NO. 86-38

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

THIS MATTER is an appeal from King County's denial of a Shoreline Variance Permit to Robert F. Crane for construction of a storage building upon property located at 2411 East Lake Sammamish Parkway N.E., King County. A pre-hearing conference was held on November 18, 1986 before Board member Judith Bendor. Mr. and Mrs. Crane were present; King County was represented by Greg Montgomery of the King County Prosecutor's Office Civil Division. As a result of the conference a pre-hearing Order was issued.

1 On February 6, 1987 the Shorelines Hearings Board ("Board") held
2 a formal hearing in Redmond, Washington. Present for the Board were:
3 Ms. Bendor, presiding; Lawrence J. Faulk, Chairman, and members Wick
4 Dufford, Nancy Burnett, Les Eldridge and Dennis McLerran. Appellant
5 Crane was present and represented by Attorney Michael Rogers.
Respondent King County was represented by Attorney Montgomery. The
7 Department of Ecology (DOE) did not make an appearance.

3 Witnesses were sworn and testified. Exhibits were admitted,
9 which included stipulated facts. An additional exhibit was admitted
0 by agreement after the hearing. The hearing was recorded by reporter
1 Cheri L. Davidson of Gene Barker & Associates. Immediately after the
2 hearing the Board, with King County's agreement, made a site visit
3 accompanied by appellant Crane.

4 Based upon a review of the testimony and exhibits, the Shorelines
5 Hearing Board makes these

6 FINDING OF FACT

7 I

8 Mr. and Mrs. Crane own real property located at 2411 East Lake
Sammamish Parkway N.E., in King County. The property abuts the
9 shoreline of Lake Sammamish in an area designated as Conservancy in
the King County Shoreline Master Program ("Master Program").

II

3 The property has a 75 foot-wide frontage on Lake Sammamish and is
4 65 feet deep, with 4,875 square feet total area. Access is by a

1 fairly steep driveway from East Lake Sammamish Parkway. The driveway
2 crosses Burlington Northern Railroad property and the railroad tracks.

3
4 III

5 The Cranes lease property directly adjacent to their lot from
6 Burlington Northern. Recreation and parking are permitted uses on the
7 leased property. The lease is terminable by either party upon thirty
8 days written notice.

9 IV

10 When the Cranes purchased the property in 1974, appellant was
11 aware that a residence could not be built on the site. The Cranes
12 have used the site for recreational purposes since purchase. Prior to
13 1984, the only structures on the Cranes' property were a steel storage
14 shed and a camper trailer. The Cranes, who live in Kirkland, have
15 been hauling their recreational equipment to the site, and removing
16 some of it at night. Appellant Crane concedes that the family's use
17 of the property has intensified over the years. In 1984, appellant
18 made changes to the site, including placing a bulkhead. (The legality
19 of the bulkhead is not at issue in this appeal.) The site currently
20 has a lawn and is primarily cleared of low vegetation.

21 V

22 In 1984, appellant began construction of a 49 foot by 22 foot
23 (1078 square foot) structure to serve as a storage building for the
24 family's recreational equipment. The items appellant plans to store
25 include the Cranes' 14 foot motorized boat, their son's 16 foot

1 motorized boat, a canoe, barbecue equipment, lawn chairs, lawn mower
2 and tiller, tools, and so forth. Appellant intends to have the
3 building electrified, protected by a security system, and also intends
4 to have a telephone, a portable toilet, and a refrigerator.

5 VI

6 A number of nearby property owners are familiar with appellant
7 Crane's proposed structure. They have stated they have no objection
8 to granting a variance, and believe the building would be a reasonable
9 use of the property .

10 VII

11 The Cranes have experienced theft and vandalism of personal
12 property left on the site, some of which were chained to immovable
13 objects. The trailer has been broken into and items taken. Reports
14 have been made to King County police; the property has not been
15 recovered. Other non-residential property owners have also
16 experienced thefts.

17 VIII

18 In June, 1985, when the building was partially completed, King
19 County posted a stop work order because construction had been
20 undertaken without County permits. On March 25, 1986, appellant
21 filed an application with King County for a variance from the Master
22 Program. The proposed building would be 38 feet from the water,
23 closer than the Master Program's regulation's required 50 foot
24 shoreline setback.

1 (King County Code, ("KCC"), at 25.24.090) The building would be at
2 30.6 feet mean sea level elevation, within the 100 Year Flood Plain
3 for Lake Sammamish.

4 IX

5 On August 18, 1986, King County, through its Shorelines Hearing
6 officer/zoning adjuster, granted two zoning variances requested by Mr.
7 Crane: to allow a four foot front yard upland setback rather than
8 twenty feet, and to permit an accessory use (the storage building)
9 without an attendant primary use. The County denied the requested
0 shoreline variance, relying on KCC 25.24.090. Mr. Crane filed a
1 timely appeal with the Board on September 16, 1986.

2 X

3 Two shoreline variance permits were granted by King County
4 sometime in 1979 to property owners somewhere along the east shore of
5 the Lake, to allow construction at setbacks approximately 30 feet from
6 the water.

7 XI

8 Appellant Crane contends that the 22 foot by 49 foot structure is
9 the minimum size necessary to reasonably accomodate his family's
0 recreational activities. He contends that the building's 22
1 foot-width is necessary because the boats cannot otherwise be unloaded
2 from trailers into the building.

1 Review criteria for variance permits.

2 The purpose of a variance permit is strictly limited
3 to granting relief from specific bulk, dimensional or
4 performance standards set forth in the applicable master
5 program where there are extraordinary or unique
6 circumstances relating to the property such that
7 the strict implementation of the master program will
8 impose unnecessary hardships on the applicant or thwart
9 the policies set forth in RCW 90.58.020.

10 . . . In all instances extraordinary circumstances shall
11 be shown and the public interest shall suffer no
12 substantial detrimental effect.

13 Among other things, appellant has the burden of proving the following:

14 1) that strict application of the setback and elevation
15 requirements precludes or significantly interferes with a reasonable
16 use of his property;

17 2) that this interference is specifically related to
18 unique conditions of the property, such as shape, size, etc.; and

19 3) that the 22 foot by 49 foot building is the minimum size
20 necessary to afford relief.

21 WAC 174-14-150(2)

22 III

23 King County's Shoreline Master Program describes a Conservancy
24 area as one primarily free from intensive development. Conservancy
25 areas are ones of high scenic or historical values, intended to to
26 maintain their existing character. Preferred uses are those which do
27 not consume the physical and biological resources of the area. (KCC
28 at 25.24.010)

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ORDER

The denial by King County of a Shoreline Variance Permit to Mr. Robert F. Crane is affirmed.

DONE this 24th day of March, 1987.

SHORELINES HEARING BOARD

Judith A. Bendor
JUDITH A. BENDOR, Member

Lawrence J. Faulk 3/24/87
LAWRENCE J. FAULK, Chairman

Wick Dufford
WICK DUFFORD, Member

Nancy R. Burnett
NANCY R. BURNETT, Member

Les Eldridge
LES ELDRIDGE, Member

Dennis McLerran
DENNIS McLERRAN, Member

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